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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/381,190	11/23/1999	HIROMI YOSHINARI	450106-4749	3610

20999 7590 07/07/2004

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

BURD, KEVIN MICHAEL

ART UNIT	PAPER NUMBER
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2631

DATE MAILED: 07/07/2004

109

Please find below and/or attached an Office communication concerning this application or proceeding.

14

Office Action Summary

Application No.

09/381,190

Applicant(s)

YOSHINARI ET AL.

Examiner

Kevin M Burd

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. This office action, in response to the request for continued examination and amendment filed 4/14/2004, is a non-final office action.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/14/2004 has been entered.

Response to Amendment

3. The previous objection to the specifications is withdrawn in view of the amendment.

Applicant's arguments, see amendment, filed 4/14/2004, with respect to the rejections of claims 1-27 under 35 USC 102(b) and 35 USC 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Yamamoto (US 5,991,276).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-17, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto (US 5,991,276).

Regarding claims 1, 8, 15, 16 and 19, Yamamoto discloses the method of combining information from a number of user terminals each comprising a user that can join the video conference (column 7, lines 22-25). The method includes inputting a plurality of different signals into a plurality of MPEG Video decoders (figure 7, elements 48a and 48b). The video data, containing “codec information”, is combined in video data combiner 50 and encoded in MPEG video encoder 51. This re-encoded data is output. Managers 52, 53 and 54 control the combining of the data as shown in figure 7. Additional information about the decoding, combining and re-encoding of data is found in column 6, line 18 to column 8, line 24.

Regarding claims 2, 9, 17 and 20, the combination of the data streams is done as stated in column 7, line 53 to column 8, line 19.

Regarding claims 3 and 10, the first and second base band signals are re-encoded in the combiner 50.

Regarding claims 4 and 11, the encoded data is output of the AAL5 interfaces and the re-encoded data is output to the AAL5 interfaces as shown in figure 6.

Regarding claims 5-7 and 12-14, the inputted bit streams are MPEG video. The video can contain any type of information.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 18 and 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (US 5,991,276).

Regarding claims 18 and 21, Yamamoto discloses a method of combining compressed video streams as stated above. Yamamoto does not disclose storing the output of the decoders or storing the "codec information". However, it would have been obvious for one of ordinary skill in the art at the time of the invention to store this information. If errors were to occur at the output of the system, error checks at each stage of the re-encoding process would be possible. Eliminating the need to check each step of the re-encoding process if the output from each component was known would reduce the error correction process time.

Regarding claims 22-27, Yamamoto discloses the method of combining information from a number of user terminals each comprising a user that can join the

video conference (column 7, lines 22-25). The method includes inputting a plurality of different signals into a plurality of MPEG Video decoders (figure 7, elements 48a and 48b). The video data, containing "codec information", is combined in video data combiner 50 and encoded in MPEG video encoder 51. This re-encoded data is output. Managers 52, 53 and 54 control the combining of the data as shown in figure 7.

Additional information about the decoding, combining and re-encoding of data is found in column 6, line 18 to column 8, line 24. Yamamoto does not disclose storing the output of the decoder nor storing the "codec information" however, it would have been obvious for one of ordinary skill in the art at the time of the invention to store this information. If errors were to occur at the output of the system, error checks at each stage of the re-encoding process would be possible. Eliminating the need to check every step of the re-encoding process if the output from each component was known would reduce the error correction process time.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boyce et al (US 5,828,421) discloses a method of decoding received signals and re-encoding them for a picture-in-picture application as stated in the abstract. Both signals are MPEG video signals. Rasky et al (US 5,265,122) discloses receiving different signals in antennas 701 and 702, decoding and demodulating to baseband each of the received signals, combining the signals and re-encoding the signals as shown in figure 7. Tanaka et al (US 5,991,313) discloses a

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video transmission apparatus similar to the circuit shown in figure 15 of the instant application.

Contact Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

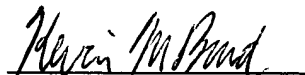
or faxed to:

(703) 872-9314, (for formal communications intended for entry or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 6:00 PM.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.



Kevin M. Burd
PATENT EXAMINER
7/1/2004